

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BERNARD ROSS HANSEN and
DIANE RENEE ERDMANN,

Defendants.

NO. CR18-0092RAJ

**GOVERNMENT'S RESPONSE TO
DEFENDANTS' MOTION FOR JURY
QUESTIONNAIRE (Dkt. #259)**

I. INTRODUCTION

The government submits this response to Defendants' motion for a jury questionnaire to address both the substance of any jury questionnaire and additional voir dire questions requested by the government.

II. JUROR QUESTIONNAIRE

The government does not oppose a juror questionnaire. As noted in the Defendants' motion, the government defers to the Court on whether any questionnaire should be given to potential jurors and, if so, the appropriate length of the questionnaire and the timing as to when it should be completed and returned to the Court and the parties. The government respectfully requests that the first question, in addition to name, also include city of residence, occupation, and if available, juror number.

1 In addition, the government offers the following substantive comments.

2 **A. Warning to jurors not to research the case**

3 If the juror questionnaire is mailed to prospective jurors, the government requests
4 that the jurors be informed at the outset of the questionnaire about the importance of not
5 doing further research on the case. The questionnaire could introduce the case (similar to
6 question #48) and then warn the jurors not to research the parties or the case. This
7 warning should be on the first page of the questionnaire. *See* Dkt. #259-1 at 1. The
8 questionnaire could be edited to state:

9 Portions of this questionnaire cover knowledge you may have about the
10 case. Please do not do anything to learn, or learn more, about the case,
11 including reading news reports or reading anything on the internet about the
12 case. After filling out this questionnaire, please continue to avoid doing
13 anything to learn more about the case. It is important that you do not do
14 anything to expose yourself to additional information about the case.

15 **B. The length of the questionnaire**

16 Further, in the government's view, the proposed juror questionnaire is too lengthy
17 and burdensome. The government respectfully suggests shortening it by removing some
18 questions, allowing prospective jurors to complete the questionnaire more efficiently and
19 the parties to process the information received. Questions (or parts of questions) the
20 government suggests removing are: 5, 6 (remove IRS), 11-15, 25, 27-38, 41-42, 47, 48b,
21 48c, 48d, and 49 (remove "or by reputation").

22 Many of these questions cover very broad ground. Some of these questions cover
23 areas that the government believes are only tangentially related to either the instant case
24 or to the duties of the prospective jurors. Moreover, some questions about specific
25 subject matters, like the pandemic or the 2008 recession, or industries, like the stock
26 market, presented before any statement of the case, may have the effect of conditioning
27 jurors to believe the case relates to those subjects or industries before they have received
28 any evidence.

1 **III. GOVERNMENT’S PROPOSED VOIR DIRE**

2 In addition to this Court’s general voir dire in criminal cases, and in advance of the
3 deadline in the Court’s scheduling order, the government respectfully submits proposed
4 voir dire questions for prospective jurors in this matter.¹ See Exhibit 1.

5
6 Dated this 9th day of June 2021.

7 Respectfully submitted,

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27 ¹ If the court decides not to issue a jury questionnaire, the government also suggests including some form
28 of those questions from the defendants’ questionnaire to which it has not objected (and which are not
otherwise covered by the Court’s general voir dire) as part of the proposed voir dire.